



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2405075  
**Applicant Name:** David Van Skike  
**Address of Proposal:** 2818 B Boyer Av. E. (Houseboat #10) (KCA #452)

**SUMMARY OF PROPOSED ACTION**

Master use permit to relocate an existing floating home (No. 10) from one slip to another slip, on the same moorage dock, within the same moorage in a UR Environment. The project includes removal of 52 sq. ft. of living space and 168 sq. ft. of deck and the replacement of an existing door with a window. (KCA #452).

This project received an Exemption from the Shoreline Management Act Substantial Development permit requirement on August 2<sup>nd</sup>, 2004.

The following Master Use Permit components are required:

**SEPA - Environmental Determination - (SMC 25.05)**

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or,  
involving another agency with jurisdiction.\*

## **BACKGROUND DATA**

### **Existing Conditions**

The subject site is located on Portage Bay (Lake Union) in an Urban Residential (UR) shoreline environment. The existing float area for the subject floating home measures approximately 35 ft. 9 inches by 40 feet, with a total area of approximately 1436 square feet. The zoning designation of the site is Single Family 5000 (SF 5000). The proposed work would occur on the houseboat itself, which is moored in Portage Bay near Lake Union. The subject floating home moorage is non-conforming with the General Standards set forth for conforming floating home moorages.

### **Area Development**

The proposal site is part of an existing group of 14 floating home moorages. The subject floating home is the tenth of the group (Houseboat #10) and is located on the south side of the dock. The houseboat is to be relocated to an existing slip on the north side of the dock, within the Seattle Construction limit line. It is bounded to the north, west and south sides by other floating homes and to the east by water. Over water development surrounding the subject site in Portage Bay, Lake Union consists of floating home moorages. Other development in this area consists of water-related residential uses.

### **Proposal**

The applicant proposes to relocate Houseboat #10 from the south side of the dock to an existing slip on the north side of the dock, within the Seattle Construction limit line. The project includes the removal of 52 sq. ft. of living space and 168 sq. ft. of deck and the replacement of an existing door with a window. The height of the subject Houseboat is 12 feet, 4 inches which will meet the maximum height requirement of 18 feet. The proposed removal of living space, deck and window replacement nor the current footprint of the structure will be increased outside the boundary of the existing floating moorage.

### **Public Comment**

No comment letters were received during the comment period that ended August 25<sup>th</sup>, 2004. However, Metro generally recommends for floating homes, that to protect the water quality of Portage Bay, materials, and construction methods should be used, which prevent debris, toxic materials, petrochemicals, and other pollutants from entering surface water during and after construction. Any construction debris floating in the water shall be promptly removed.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 6, 2004. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The potential environmental impacts identified in the environmental checklist are discussed below, where mitigation under Seattle's SEPA Ordinance is warranted.

Seattle Municipal Code (SMC) Section 25.05.350 provides that the lead agency may specify mitigation measures on an applicant's proposal that would allow the agency to issue a DNS and the proposal is clarified, changed or conditioned to include those measures, the lead agency shall issue a DNS. Mitigation measures specified by the lead agency may be based upon any adverse impacts revealed by the environmental checklist, and need not be limited to those permitted by SEPA policies. This proposal is reviewed under that substantive authority.

Disclosure of the potential impacts from this project was made in the environmental document listed above. This information, supplemental information provided by the applicant (plans and written description of the project), a field visit and the experience of this agency with review of similar projects form the basis for this analysis and conditioning.

The SEPA Overview Policy (SSMC 25.05.665 D) establishes the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part:

*"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).*

Under certain limitations/circumstances (SSMC 25.05.665 D1-7) mitigation can be considered.

The SEPA Specific environmental policies (SMC 25.05.675) provide policy background for specific elements of the environment. The specific environmental element that addresses impacts to Plants and Animals [SMC 25.05.675 N (2) a and b] states in part:

- a. "a high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals."
- b. "For projects which are proposed within an identified plan or wildlife habitat or travelway, the decisionmaker shall assess the extent of adverse impacts and the need for mitigation."

Thus, a more detailed discussion of some of the impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increased levels of fugitive dust and fumes, disturbance of shorelines, and displacement of some wildlife species due to construction noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Clean Air Agency (air quality). In addition State regulations and permitting authority (HPA permit) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

#### Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: a continuation of over-water coverage in the form of a relocated floating home. This impact potentially has an adverse impact on fish habitat and migration routes. These long-term impacts are not considered significant because they are minor in scope. Notwithstanding the determination of non-significance, the following impacts merit more detailed discussion.

#### Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Portage Bay including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

No disturbance of the lake-bed sediments is expected since all work will be done above water. There is potential for debris to enter the water during construction, so care will have to be taken to prevent this from occurring. In conjunction with the requirements set forth by SSMP 23.60.152, the general recommendations from Metro shall also be followed as conditioned below.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

## **CONDITIONS - SEPA**

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner(s) and/or responsible party(s) shall:

### **Prior to Issuance of a Construction Permit**

1. Best Management Practices shall be employed during the proposed over-water work as necessary to keep debris and deleterious material out of the water, minimize the amount of erosion on the shoreland from the storage and staging of construction material and to meet applicable State of Washington water quality standards.

### **Conditions of Approval During Construction**

2. The following condition(s) to be enforced during the relocation of the existing floating home shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.
3. In order to further mitigate the noise impacts during the relocation of the existing floating home, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise interior work after the shells of the structure are enclosed. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.
3. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed to prevent debris and other deleterious material from entering the water during the relocation of the existing floating home.
  - a. If floating debris enters the water during the proposed work this debris should be removed immediately and stored until it can be disposed of at an appropriate upland facility.

- b. If heavy (sinking) debris enters the water during the proposed work the location of the debris should be documented. When construction is complete a diver should retrieve all debris that has entered the water and sunk during the proposed work.
4. Equipment using oil, gasoline, or diesel used on site shall be checked for evidence of leakage, if evidence of leakage is found the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
5. Care shall be taken by the owner(s), builder(s), or responsible party(S) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed work.

Signature: \_\_\_\_\_ (signature on file) Date: March 17, 2005  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development  
Land Use Services

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